



Customer No. 035884

PATENT
Attorney Docket No.: 2080-3-195

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:
Nam Soo Cho et al.

Serial No: 10/712,676
Filed: November 12, 2003
For: HEAT EXCHANGER AND FABRICATION
METHOD THEREOF

Art Unit: 3753

Examiner: LEO. Leonard R.

Customer No.: 9071

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT**

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests that the Notice of Abandonment issued on May 31, 2006 be withdrawn under 37 CFR 1.181(a) for failure to receive an Office Action. A response to the underlying Office Action is being concurrently filed.

This application was filed on November 12, 2003 and the correspondence address listed in the application transmittal sheet was 801 S. Figueroa Street, 14th Floor, Los Angeles, California 90017 and the application was linked to Customer No. 035884 having the same correspondence address. An IDS was filed on May 19, 2005, again providing the same correspondence address and customer number.

However, on November 11, 2005, an Office Action requiring an election of claims was mailed to 11th Floor, 221 N. Figueroa Street, Los Angeles, CA 90012-2601, and as a result of an incorrect mailing address, this office never received the Office Action, and therefore was unaware of the restriction requirement. Because this office was unaware of the restriction requirement, our client was unable to respond. A copy of the transmittal sheets for the filing of the application dated November 13, 2003 and

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

July 28, 2006

Date of Deposit

Craig W. Schrover

Name

Signature

07/28/2006

Date

subsequent IDS dated May 19, 2005 are attached, as well as are copies of the Office Action dated November 7, 2005 and the Notice of Abandonment dated May 31, 2006. All copies are also available through the USPTO Public PAIR web site.

This law firm had maintained its offices at 221 N. Figueroa Street, Los Angeles, CA 90012-2601 prior to February 2002, and since that time, at 801 S. Figueroa Street, Los Angeles, California 90017. At all times since the filing of and prosecution of this application, our offices have been at 801 S. Figueroa Street, Los Angeles, California 90017 as listed in the transmittal sheet of all the papers.

A Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a) does not require a fee, although if a fee is determined to be required, please charge the fee to Deposit Account No. 502290.

If the above petition to withdraw the holding of abandonment is denied, Applicant respectfully petitions in the alternative under 37 C.F.R. §1.137(a) to revive the above-identified patent application abandoned for failure to prosecute on the basis that the delay in prosecution was unavoidable on the facts as set forth above. If the above petition to revive is denied, Applicant respectfully petitions in the alternative pursuant to 37 C.F.R. §1.137(b) to revive the present application abandoned for failure to prosecute. Please be advised that the delay in prosecution was unintentional. Please charge any fee for this conditional petition to revive, if required, to Deposit Account No. 502290. A duplicate copy of this paper is enclosed.

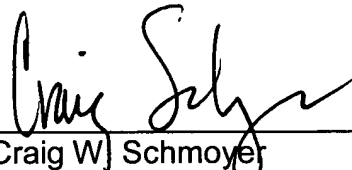
Acknowledgment of the active status of this application is respectfully requested.

Respectfully submitted,

LEE, HONG, DEGERMAN, KANG & SCHMADEKA

Date: July 28, 2006

By: _____


Craig W. Schmoyer
Registration No. 51,007
Attorney for Applicant(s)

Customer No. 035884



PATENT
Attorney Docket No: 2080-3-195
Customer No: 035884

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Nam Soo Cho; Jang Seok Lee; Sung Jhee
Serial No:
Filed: Herewith
For: HEAT EXCHANGER AND FABRICATION
METHOD THEREOF

Art Unit:
Examiner: -

22154 U.S. PTO
10/712676
111303

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL
"Express Mail" Mailing Label No. ER631857470US
Date of Deposit: November 12, 2003

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that

- ☒ one copy of a letter of transmittal
- ☒ check in amount of \$ 770 as filing fee
- ☒ patent application (11 page(s) of specification: 10 claim(s); 1 page(s) of abstract
- ☒ 8 sheet(s) of formal drawings
- ☒ An assignment of the invention to LG Electronics Inc. ☒ is enclosed ☐ will follow
- ☒ A check in the amount of \$ 40 to cover Assignment Recordation fee is enclosed.
- ☒ executed Declaration and Power of Attorney ☒ is enclosed ☐ will follow
- ☐ An associate power of attorney ☐ is enclosed ☐ will follow.
- ☒ A certified copy of Korean Patent Application No. 10-2003-15824 filed on March 13, 2003, from which priority is claimed in the subject case pursuant to 35 U.S.C. § 119 ☐ will follow ☒ is enclosed
- ☐ IDS transmittal
- ☐ PTO-1449 form
- ☒ return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: November 12, 2003

Customer No. 035884

LEE, HONG, DEGERMAN, KANG & SCHMADEKA

801 S. Figueroa Street, 14th Floor

Los Angeles, California 90017

Telephone: 213-623-2221

Facsimile: 213-623-2211

Amit Sheth

Name of person mailing papers



Signature



DFW

PATENT
Docket No. 2080-3-195

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nam Soo Cho et al.

Serial No: 10/712,676

Filed: November 12, 2003

For: HEAT EXCHANGER AND FABRICATION
METHOD THEREOF

Art Unit: 3753

Examiner:

**TRANSMITTAL OF INFORMATION DISCLOSURE
STATEMENT**

Mail Stop AMENDMENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop AMENDMENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on
May 19, 2005

Date of Deposit

Robert E. Kasody

Name

MEY

05/19/2005

In accordance with 37 CFR § 1.56 and 1.97, enclosed please find a copy of Form PTO-1449 listing the attached references which might be deemed material to the examination of the above-identified application.

1. Non-English Language References

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

2. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the national application other than a continued prosecution application (CPA) or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 1.114 whichever event occurs last. 37 C.F.R. § 1.97(b) (as amended September 2000).

3. ☐ The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but *before* the mailing date of either: 37 C.F.R. § 1.97(c) (as amended September 2000).

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311, whichever occurs first.

STATEMENT OR FEE

A. Included with this transmittal is

- i. ☐ a certification (set forth below) in accordance with 37 C.F.R. § 1.97(e). (If for any reason the certificate set forth below should be unsatisfactory, the Commissioner is provisionally authorized to charge the \$180 fee (37 C.F.R. § 1.17(p)) to Deposit Account No. 502290. A copy of this sheet is enclosed.)

OR

- ii. ☐ the attached fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

- 4. ☐ The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113 or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with the payment of the issue fee. 37 C.F.R. § 1.97(d) (as amended September 2000).

STATEMENT AND FEE

A. In accordance with the requirements of 37 C.F.R. § 1.97(d):

- i. Set forth below is a certification as specified in 37 C.F.R. § 1.97(e); **AND**
- ii. Applicant submits the petition fee set forth in § 1.17(p). (\$180.00).

STATEMENT

(Required if 3Ai or 4 above is marked)

5. I, the person signing below, certify

- ☐ that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(2).

6. If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure


consideration of the information disclosure statement for the above-identified application to
Deposit Account No. 502290. A copy of this petition is enclosed.

Date: May 19, 2005

Respectfully submitted,

Lee, Hong, Degerman, Kang & Schmadeka

By: _____


Robert E. Kasody
Registration No. 50,268
Attorney for Applicant(s)

801 S. Figueroa Street, 14th Floor
Los Angeles, California 90017
Telephone: 213-623-2221
Facsimile: 213-623-2211

Attorney Docket Number | 2080-3-195

(Use as many sheets as necessary)

1

of

1

[illegible]

| Examiner Initials* | Cite No. | Foreign Patent Document Country Code Number Kind Code (if known) | Publication Date MM-DD-YYYY | Pages Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ₆ |
|--------------------|----------|---|--------------------------------|--|----------------|
| | | KR 1020020032818 A | 05/04/2002 | | |
| | | KR 100236341 B1 | 09/03/1999 | | |
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| Examiner Signature | | | Date Considered | | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. *If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-785-9199) and select option 2.* *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Serial Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

If you need assistance in completing the form, call 1-800-PTC-9199 (1-800-785-9199) and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/712,676 | 11/13/2003 | Nam Soo Cho | 2080-3-195 | 9071 |

7590 11/07/2005

JONATHAN Y. KANG, ESQ.
LEE & HONG P.C.
11th Floor
221 N. Figueroa Street
Los Angeles, CA 90012-2601

EXAMINER

LEO, LEONARD R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3753

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/712,676 | CHO ET AL. | |
| | Examiner | Art Unit | |
| | Leonard R. Leo | 3753 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to a heat exchanger, classified in class 165, subclass 150.
- II. Claims 7-10, drawn to a method of manufacturing a heat exchanger, classified in class 29, subclass 890.047.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as roll bonding a pair of sheets, forming slits in the sheets and expanding to form fluid passages.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Art Unit: 3753

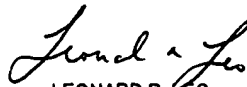
application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is (571) 272-4916. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LEONARD R. LEO
PRIMARY EXAMINER
ART UNIT 3753

November 3, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/712,676 | 11/13/2003 | Nam Soo Cho | 2080-3-195 | 9071 |

7590

05/31/2006

JONATHAN Y. KANG, ESQ.
LEE & HONG P.C.
11th Floor
221 N. Figueroa Street
Los Angeles, CA 90012-2601

EXAMINER

LEO, LEONARD R

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

10/712,676

Examiner

Leonard R. Leo

Applicant(s)

CHO ET AL.

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 November 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Leonard R. Leo
Primary Examiner
Art Unit: 3753

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/712,676 | 11/13/2003 | Nam Soo Cho | 2080-3-195 | 9071 |

7590 11/07/2005

JONATHAN Y. KANG, ESQ.
LEE & HONG P.C.
11th Floor
221 N. Figueroa Street
Los Angeles, CA 90012-2601

EXAMINER

LEO, LEONARD R

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------|--|
| Office Action Summary | Application No. 10/712,676 | Applicant(s) CHO ET AL | |
| | Examiner Leonard R. Leo | Art Unit 3753 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

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- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to a heat exchanger, classified in class 165, subclass 150.
- II. Claims 7-10, drawn to a method of manufacturing a heat exchanger, classified in class 29, subclass 890.047.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as roll bonding a pair of sheets, forming slits in the sheets and expanding to form fluid passages.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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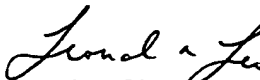
application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is (571) 272-4916. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LEONARD R. LEO
PRIMARY EXAMINER
ART UNIT 3753

November 3, 2005